

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA  
OMAHA DIVISION

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

2015 SEP -8 AM 8:50

OFFICE OF THE CLERK

IN THE MATTER OF:

Inspection of the workplace  
located at and near

Case No. 8:15 MJ 240

10518 S. 125<sup>th</sup> Avenue  
Papillion, Nebraska 68133

under the control or custody of

ELITE BUILDERS, INC.

**ADMINISTRATIVE SEARCH WARRANT**

TO: Jeff Funke  
Area Director  
Occupational Safety and Health Administration  
Omaha Area Office

Application having been made, which establishes that the requested inspection is reasonable, based on a showing that Elite Builders, Inc. located at 10518 S. 125th Avenue, Papillion, Nebraska 68133 was chosen for inspection on the basis of a general administrative plan, derived from neutral sources, for the enforcement of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651-679, hereinafter referred to as the Act,

IT IS HEREBY ORDERED that, pursuant to section 8(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651-679, YOU OR YOUR DULY DESIGNATED REPRESENTATIVES ARE AUTHORIZED to enter the above-described construction site during regular working hours or at other reasonable times, and to make an inspection of the residential construction and framing work under the custody and control of Elite Builders, Inc., in order to determine compliance with the Act, and the rules and regulations promulgated pursuant thereto.

Said inspection is authorized as a focused inspection of the construction worksite under the custody and control of Elite Builders, Inc. This focused inspection shall concentrate on the safety and health program/plan at the site and the four leading hazards that account for the most fatalities and serious injuries in the construction industry: falls, electrical hazards, caught in/between hazards, and struck by hazards, plus any other hazards observed in plain view. The inspection is also authorized to inspect the LULL man-lift for compliance with all applicable powered equipment standards, including all relevant records, files, and papers, including OSHA 300 logs.

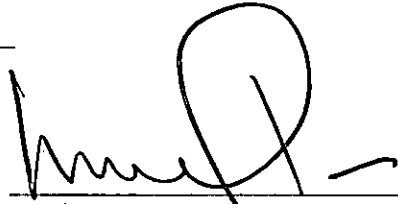
The inspection will be conducted during regular working hours or at other reasonable times, to include all relevant records, files and papers and all relevant workplaces or environments where work is performed by employees, and all pertinent conditions, and circumstances, structures, machines, apparatus, devices, equipment, materials, processes, controls, and facilities and all other things therein including videotaping, the taking of photographs, environmental samples including the use of personal sampling equipment, and measurements, relating to the alleged violations, and to question privately any employee or agent, bearing on whether employees are being furnished employment and place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, and whether there is compliance with the occupational safety and health standards promulgated under the Act.

You are hereby directed not to disclose any information obtained during the inspection which is designated to be a trade secret as defined by 18 U.S.C. § 1905, except that such information may be disclosed to other officers or employees concerned with carrying out the Act or when relevant in any proceeding under the Act.

A return shall be made to this Court showing that the inspection has been completed. The inspection authorized herein shall be initiated within 10 days, and a return shall be made to the Court within fourteen days following completion of the inspection.

DATED: 8/31/15



  
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THOMAS D. THALKEN  
United States Magistrate Judge

RETURN OF SERVICE

I hereby certify that a copy of the within warrant was duly served on

9/3/15, to the company named herein:

ELITE BUILDERS, INC.

654 COYOTE CIR.

PAPILLON, NE 68046

RETURN

I declare under penalty of perjury that the inspection of the workplace described  
in this warrant was made on MARK BRATETIC.

Date: 9/3/15

By: MICHAEL J. CONNETT

Compliance Officer  
Occupational Safety and Health Administration  
United States Department of Labor